

ENTERED

May 21, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

VS.

EDGAR ADRIAN BOTELLO

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CRIMINAL ACTION NO. 4:21-CR-207-3

ORDER

There is a Motion for Admission *Pro Hac Vice* (Doc. No. 42) filed by attorney Uchi Jerry Mgbaraho. Mr. Mgbaraho lists the party whom he seeks to represent as Edgar Adrian Botello. Mr. Botello is currently represented by Adrian Almaguer, a member of this Court's Civil Justice Act panel.

There are multiple problems with this action:

1. Neither Mr. Botello nor Mr. Mgbaraho have spoken to Mr. Almaguer about this motion.
2. To replace a court appointed attorney by a retained lawyer, the party must pay Mr. Almaguer's fees and expenses to date.
3. No motion to substitute has been filed, although this Court assumes that Mr. Mgbaraho thought it best to get a ruling on the *pro hac vice* motion first.
4. Finally, and most importantly, a lawyer residing and practicing in this District/Division, which Mr. Mgbaraho presumably does since he gave a Houston address on his motion, must join the Bar of the Southern District of Texas. He may not appear *pro hac vice*. See LR 83.1 and CLR 57.3.

As it stands now, unless good cause is shown, the Court will not grant, and hereby DENIES, the *pro hac vice* motion (Doc. No. 42). Mr. Mgbaraho must seek admission to the

Southern District of Texas Bar before the Court will entertain any action on replacing Mr. Almaguer.

SIGNED at Houston, Texas, this 21st day of May 2021.



ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE